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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,021	01/30/2001	Horst Bayer	01 P 7440 US	5515

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Siemens Corporation  
Attn: Elsa Keller, Legal Administrator  
Intellectual Property Department  
186 Wood Avenue South  
Iselin, NJ 08830

EXAMINER
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TARAE, CATHERINE MICHELLE

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 06/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/773,021

Applicant(s)

BAYER ET AL.

Examiner

C. Michelle Tarae

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 and 11-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 11, 2006 has been entered.

Claims 1, 5, 6, 12 and 18-20 have been amended. Claim 10 was previously canceled. Claims 1-9 and 11-20 are currently pending.

### ***Response to Amendment***

2. Applicant's amendments to claims 1, 5, 6, 12 and 18-20 are acknowledged.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-9 and 11-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zompa et al. (U.S. 6,937,991) and Lynch et al. (U.S. 6,018,715).

As per claims 1, 12 and 18-20, Zompa et al. discloses a method, apparatus and machine-readable medium having stored thereon data representing sequences of instructions, said sequences of instructions executed by a processor, for aggregating feedback, comprising:

receiving a first set of travel information including information identifying a traveler, an itinerary of said traveler, and at least one travel service provider scheduled to provide services to said traveler (col. 2, lines 53-56; col. 4, lines 58-61; The system employs "Travel Notification Messages," which identify the traveler by name, the destination and the dates of travel.);

generating after completion of travel associated with said itinerary, by a processor, a feedback request based on said itinerary and requesting specific feedback regarding said at least one travel service provider (col. 5, lines 39-49; After a traveler has completed his/her travel, a feedback request is sent to him/her requesting feedback about the travel services received.);

transmitting said feedback request to said traveler (col. 5, lines 39-60; After a traveler has completed his/her travel, a feedback request is sent to him/her requesting feedback about the travel services received.);

receiving feedback information from said traveler (col. 5, lines 43-49; The traveler submits the feedback either by replying to the email, or answering a questionnaire or survey.);  
and

analyzing said feedback information received from said traveler by said processor (col. 5, lines 47-49; The feedback is analyzed to determine the effectiveness of travel services.).

While Zompa et al. does not expressly disclose wherein said services provided to said traveler is at least one service selected from the group consisting of: air transportation, ground

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transportation, rail transportation, water transportation and lodging, in the background of the invention, Zompa et al. discloses that at the time of the invention, it was well known in the industry to consider hotel and transportation reservations as part of travel services arranged by travel service providers (col. 1, lines 35-40). Additionally, Lynch et al. discloses that travel services include airline flights, hotel and automobile rentals (col. 5, lines 25-30). Therefore, at the time of the invention, it would have been obvious to a person of ordinary skill in the art for the system of Zompa et al. to have among its travel services that it arranges for employees include at least one of air transportation, ground transportation, rail transportation, water transportation and lodging because air transportation, ground transportation, rail transportation, water transportation and lodging are old and well known travel services in the art that travel service providers or travel agencies arrange. Additionally, since air transportation, ground transportation, rail transportation, water transportation and lodging are among the main travel services that an individual would need arranged when traveling, including such travel services would ensure that basic travel necessities are met.

Zompa et al. also does not expressly disclose that the feedback requests are automatically generated. However, Zompa et al. does disclose that the other forms of communication sent to a traveler from a travel service provider are automatically generated (col. 5, lines 50-55). Additionally, it was known at the time of the invention that merely providing an automated way to replace a well-known activity which accomplishes the same result is not sufficient to distinguish over the prior art. *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). Therefore, at the time of the invention, it would have been obvious to a person of ordinary skill in the art for the system of Zompa et al. to have the

feedback requests be automatically generated since the other forms of communication from the travel service provider to the traveler are automatically generated and furthermore, doing so would ensure that the feedback requests are sent in a timely fashion to coincide with the return of the traveler from travel, thus enhancing the effectiveness of the feedback requests.

As per claims 2 and 13, Zompa et al. discloses the method of claims 1 and 12, wherein said first set of travel information is received from a travel organizer (col. 2, lines 41-60; A travel center, or travel organizer, sends the "Travel Notification Message" to the specialized travel service providers if specialized travel services are needed.).

As per claim 3, Zompa et al. discloses the method of claim 2, wherein said analyzing further comprises: determining whether at least a portion of said feedback information should be provided to said travel organizer (col. 5, lines 47-49 and 55-60; The system decides to allow the travel organizer/service providers to obtain the feedback from a traveler.).

As per claim 4, Zompa et al. discloses the method of claim 1, as discussed above. Zompa et al. further discloses receiving and maintaining travel dates for the travel (col. 2, line 56) and sending feedback requests to travelers after they have completed their travel (col. 5, lines 39-49). Zompa et al. does not expressly disclose comparing a travel completion date from said first set of travel information to a current date. However, given that Zompa et al. has information about a traveler's travel dates and sends feedback to travelers after their travel is completed, at the time of the invention, it would have been obvious to a person of ordinary skill in the art for the system of Zompa et al. to compare a travel completion date with a current date because that would have been an effective and efficient way to ensure that the feedback request is sent to a traveler after their travel is completed.

As per claim 5, Zompa et al. discloses the method of claim 1, wherein said generated feedback request is further based on said service provided to said traveler (col. 5, lines 43-49; The travel service providers may send feedback requests relating to the specific type of services they provided to the traveler.).

As per claim 6, Zompa et al. does not expressly disclose the method of claim 1, wherein said ground transportation comprises transportation provided by a rental car, a bus, a taxi, and combinations thereof. Lynch et al. discloses that travel services include automobile rentals (col. 5, lines 25-30). It is old and well known in the art that providing ground transportation service as part of a travel service includes car rentals. At the time of the invention, it would have been obvious to a person of ordinary skill in the art for the travel service provider system of Zompa et al. to include car rentals as part of its services as car rentals are well known forms of travel service transportation and providing a well known form of transportation as part of a travel service simply enhances the travel service provider's repertoire of travel service offerings.

As per claims 7 and 15, Zompa et al. discloses the method of claims 1 and 12, wherein said analyzing further comprises: determining whether said feedback information includes a complaint (col. 4, lines 47-49; The feedback allows the travel center/service providers to determine the effectiveness of their travel services. Therefore, the feedback may include information that the services were not effective (i.e., a complaint) or that they were effective (i.e., praise).).

As per claim 11, Zompa et al. discloses the method of claim 1, wherein said analyzing further comprises: determining whether at least a portion of said feedback information should

be provided to said at least one travel services provider (col. 5, lines 47-49 and 55-60; The system decides to allow the travel organizer/service providers to obtain the feedback from a traveler.).

As per claim 16, Zompa et al. discloses the computer-implemented method of claim 12 as disclosed above including receiving feedback from travelers via emails, surveys and questionnaires (col. 5, lines 43-47). Zompa et al. does not expressly disclose determining whether the feedback information received from the traveler includes a request for a response. However, it is old and well known in customer service and customer satisfaction surveys, questionnaires and emails, for the customer to include a request for a response from the product/service provider as many customers desire some type of indication from the product/service provider that their concerns were received and addressed. Thus, at the time of the invention, it would have been obvious to a person of ordinary skill in the art for the system of Zompa et al. to allow travelers to request a response in their feedback since doing so would have been in accordance with typical customer service practice. Allowing travelers to request a response further enhances the usefulness of the customer service/satisfaction system by allowing travelers to receive feedback on their feedback, thus encouraging and enhancing communication between the traveler and the travel service provider.

As per claims 8, 9, 14 and 17, Zompa et al. discloses the method of claims 7 and 16, as discussed above wherein surveys, questionnaires, emails are used to solicit customer service feedback from travelers about the travel services they received (col. 5, lines 43-47). However, Zompa et al. does not expressly disclose wherein said analyzing further comprises: determining whether said complaint requires a response



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from said at least one travel service provider and monitoring said complaint to determine whether a satisfactory response from said at least one travel service provider has been received; or determining whether a resolution is required. However, it is old and well known in the customer service industry to respond to a customer complaint in order to remedy a problem and track the response/resolution to ensure that the complaint has been addressed satisfactorily. Thus, at the time of the invention, it would have been obvious to a person of ordinary skill in the art for the system of Zompa et al. to determine whether a complaint requires a response/resolution from a service provider and to monitor the complaint to determine whether a satisfactory response from the service provider has been received because doing so conforms to standard customer service practice to ensure that a customer's problems are being addressed to the customer's satisfaction so that the customer will return for additional services, which is in accordance with a goal disclosed by Zompa et al. of travel service providers using the feedback received from travelers to improve their travel services (col. 5, lines 47-49).

### ***Response to Arguments***

5. Applicant's arguments are moot in view of the new rejections provided above.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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- Silverbrook et al. (U.S. 6,959,298) discusses a system for accessing travel services, where travel services include flight reservations, accommodations, and car rental;
- Elsey et al. (U.S. 6,775,371) discusses a system for providing concierge-like services;
- Winkler et al. (U.S. 6,700,506) discusses a bus arrival system that allows customers to submit complaints about the bus service;
- Sehr (U.S. 6,609,658) discusses a travel center that uses travel service providers;
- Sloo (U.S. 5,895,450) discusses a method for handling complaints;
- Treyz et al. (U.S. 6,526,335) discusses a system for providing travel services; and
- Boulton et al. (U.S. 5,566,291) discusses implementing user feedback.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Tarae (formerly, C. Michelle Colon) whose telephone number is 571-272-6727. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 571-272-6729.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "C. Michelle Tarae", with a stylized flourish at the end.

C. Michelle Tarae  
Patent Examiner  
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June 21, 2006